

## REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 4, 17, 19, and 22 are pending, with Claim 1 being independent. Claims 7 and 20 have been cancelled without prejudice. Claim 1 has been amended.

Claims 1, 4, 7, 17, 19, and 20 were rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph, as lacking written description. All rejections are respectfully traversed, and are submitted to have been obviated by the amendment of the claims to delete the objected-to recitation.

Claims 1, 4, 7, 17, 19, and 20 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,052,234 (Mukai, et al.) in view of U.S. Patent No. 6,157,488 (Ishii). All rejections are respectfully traversed.

Claim 1 recites, inter alia, a combination of features wherein the claimed layered diffraction optical member is provided in front of the iris stop, with a refraction optical member disposed on a rear side of the iris stop, wherein the imaging optical system forms an image on an image plane with light that has passed through the layered diffraction optical member, the iris stop, and the refraction optical member.

However, Applicant respectfully submits that neither Mukai, et al. nor Ishii, even in combination, assuming, arguendo, that the documents could be combined, discloses or suggests at least the above-discussed claimed combination of features as recited, inter alia, in Claim 1. In this regard, the Official Action asserts that there is a refractive optical element on the image side of the pupil in Fig. 10 of Mukai, et al. Applicant respectfully traverses this assertion, and wishes to point out that in said figure, the “rear” is on the left of that figure (i.e., Fig. 10 of Mukai, et al. is drawn right and left in reverse of Fig. 7), and there is no structure as claimed

depicted to the left of pupil "he" in that figure (see, e.g., col. 14, line 65 et seq.). It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at the above-discussed combination of claimed features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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